



COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of: § Atty. Docket No.: INGA,004
Charles A. Conrad §
§
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Serial No.: 09/169,793 § Examiner: J. Martinell
§
§
Filed: October 9, 1998 §
§
For: PRODUCTION OF § Group Art Unit: 1633
ssDNA *IN VIVO* §

COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

June 7, 2002

Date

Mark R. Wisner, Registration No. 30,603

RESPONSE TO OFFICIAL ACTION OF MARCH 8, 2002

Dear Sir:

Applicant responds to the Official Action mailed in the captioned application on March 8, 2002 in timely fashion as follows. In the event any enclosed check in the amount of any necessary fees was not properly executed, was not included with this Response and/or was insufficient in amount, or for any other reason this Response is not considered timely filed, request is hereby made for an extension of the time for the period necessary to ensure consideration of this Response and the Commissioner is authorized to charge Deposit Account No. 50-0965 (INGA,004) in the amount of any necessary fee.

REMARKS

In the Official Action of March 8, 2002, the claims were rejected under 35 U.S.C. 102 as being anticipated by the Mirochnitchenko, *et al.*, Miyata, *et al.*, or Inouye, *et al.* references. These rejections are respectfully traversed.

Although it is alleged in the Action that these references "clearly anticipate" the claims of the present application, Applicant is unable to find any mention of certain claimed elements as listed below in these references such that, as far as Applicant can tell, they do not anticipate claims 7, 9-11, and 13-15. In Applicant's previous Response, the Examiner was requested to cite the particular part of the cited references relied upon in making the §102 rejections (37 C.F.R. 1.106(b)), and without the guidance provided by citations to particular parts of the references, Applicant is unable to determine why these references are considered anticipatory of the claimed method. Applicant has reviewed the "Results and Discussion" section of Mirochnitchenko, *et*